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Security Council

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Resolution 1888 (2009)

Adopted by the Security Council at its 6195th meeting, on 30 September 2009

The Security Council,

Reaffirming its commitment to the continuing and full implementation of resolutions 1325 (2000), 1612 (2005), 1674 (2006), 1820 (2008) and 1882 (2009) and all relevant statements of its President,

Welcoming the report of the Secretary-General of 16 July 2009 (S/2009/362), but remaining deeply concerned over the lack of progress on the issue of sexual violence in situations of armed conflict in particular against women and children, notably against girls, and noting as documented in the Secretary-General's report that sexual violence occurs in armed conflicts throughout the world,

Reiterating deep concern that, despite its repeated condemnation of violence against women and children including all forms of sexual violence in situations of armed conflict, and despite its calls addressed to all parties to armed conflict for the cessation of such acts with immediate effect, such acts continue to occur, and in some situations have become systematic or widespread,

Recalling the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Reaffirming the obligations of States Parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol thereto, the Convention on the Rights of the Child and the Optional Protocols thereto, and urging states that have not yet done so to consider ratifying or acceding to them,

Recalling that international humanitarian law affords general protection to women and children as part of the civilian population during armed conflicts and special protection due to the fact that they can be placed particularly at risk,

Recalling the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against civilians, and in this regard, noting with concern that only limited numbers of perpetrators of sexual violence have been brought to

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justice, while recognizing that in conflict and in post conflict situations national justice systems may be significantly weakened,

Reaffirming that ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent future such abuses, *drawing attention* to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals and truth and reconciliation commissions, and *noting* that such mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of the victims,

Recalling the inclusion of a range of sexual violence offences in the Rome Statute of the International Criminal Court and the statutes of the ad hoc international criminal tribunals,

Stressing the necessity for all States and non-State parties to conflicts to comply fully with their obligations under applicable international law, including the prohibition on all forms of sexual violence,

Recognizing the need for civilian and military leaders, consistent with the principle of command responsibility, to demonstrate commitment and political will to prevent sexual violence and to combat impunity and enforce accountability, and that inaction can send a message that the incidence of sexual violence in conflicts is tolerated,

Emphasizing the importance of addressing sexual violence issues from the outset of peace processes and mediation efforts, in order to protect populations at risk and promote full stability, in particular in the areas of pre-ceasefire humanitarian access and human rights agreements, ceasefires and ceasefire monitoring, Disarmament, Demobilization and Reintegration (DDR), Security Sector Reform (SSR) arrangements, justice and reparations, post-conflict recovery and development,

Noting with concern the underrepresentation of women in formal peace processes, the lack of mediators and ceasefire monitors with proper training in dealing with sexual violence, and the lack of women as Chief or Lead peace mediators in United Nations-sponsored peace talks,

Recognizing that the promotion and empowerment of women and that support for women's organizations and networks are essential in the consolidation of peace to promote the equal and full participation of women and *encouraging* Member States, donors, and civil society, including non-governmental organizations, to provide support in this respect,

Welcoming the inclusion of women in peacekeeping missions in civil, military and police functions, and *recognizing* that women and children affected by armed conflict may feel more secure working with and reporting abuse to women in peacekeeping missions, and that the presence of women peacekeepers may encourage local women to participate in the national armed and security forces, thereby helping to build a security sector that is accessible and responsive to all, especially women,

Welcoming the efforts of the Department of Peacekeeping Operations to develop gender guidelines for military personnel in peacekeeping operations to

facilitate the implementation of resolutions 1325 (2000) and 1820 (2008), and operational guidance to assist civilian, military and police components of peacekeeping missions to effectively implement resolution 1820 (2008),

Having considered the report of the Secretary-General of 16 July 2009 (S/2009/362) and *stressing* that the present resolution does not seek to make any legal determination as to whether situations that are referred to in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations,

Recalling the Council's decision in resolution 1882 of 4 August 2009 (S/RES/1882) to expand the Annexed list in the Secretary General's annual report on Children and Armed Conflict of parties in situations of armed conflict engaged in the recruitment or use of children in violation of international law to also include those parties to armed conflict that engage, in contravention of applicable international law, in patterns of killing and maiming of children and/or rape and other sexual violence against children, in situations of armed conflict,

Noting the role currently assigned to the Office of the Special Adviser on Gender Issues to monitor implementation of resolution 1325 and to promote gender mainstreaming within the United Nations system, women's empowerment and gender equality, and *expressing* the importance of effective coordination within the United Nations system in these areas,

Recognizing that States bear the primary responsibility to respect and ensure the human rights of their citizens, as well as all individuals within their territory as provided for by relevant international law,

Reaffirming that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to continue to address the widespread impact of armed conflict on civilians, including with regard to sexual violence,

1. *Reaffirms* that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security; *affirms* in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security; and *expresses its readiness*, when considering situations on the agenda of the Council, to take, where necessary, appropriate steps to address widespread or systematic sexual violence in situations of armed conflict;

2. *Reiterates* its demand for the complete cessation by all parties to armed conflict of all acts of sexual violence with immediate effect;

3. *Demands* that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, including measures such as, inter alia, enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual

violence against civilians, debunking myths that fuel sexual violence and vetting candidates for national armies and security forces to ensure the exclusion of those associated with serious violations of international humanitarian and human rights law, including sexual violence;

4. *Requests* that the United Nations Secretary-General appoint a Special Representative to provide coherent and strategic leadership, to work effectively to strengthen existing United Nations coordination mechanisms, and to engage in advocacy efforts, inter alia with governments, including military and judicial representatives, as well as with all parties to armed conflict and civil society, in order to address, at both headquarters and country level, sexual violence in armed conflict, while promoting cooperation and coordination of efforts among all relevant stakeholders, primarily through the inter-agency initiative "United Nations Action Against Sexual Violence in Conflict";

5. *Encourages* the entities comprising UN Action Against Sexual Violence in Conflict, as well as other relevant parts of the United Nations system, to support the work of the aforementioned Special Representative of the Secretary-General and to continue and enhance cooperation and information sharing among all relevant stakeholders in order to reinforce coordination and avoid overlap at the headquarters and country levels and improve system-wide response;

6. *Urges* States to undertake comprehensive legal and judicial reforms, as appropriate, in conformity with international law, without delay and with a view to bringing perpetrators of sexual violence in conflicts to justice and to ensuring that survivors have access to justice, are treated with dignity throughout the justice process and are protected and receive redress for their suffering;

7. *Urges* all parties to a conflict to ensure that all reports of sexual violence committed by civilians or by military personnel are thoroughly investigated and the alleged perpetrators brought to justice, and that civilian superiors and military commanders, in accordance with international humanitarian law, use their authority and powers to prevent sexual violence, including by combating impunity;

8. *Calls upon* the Secretary-General to identify and take the appropriate measures to deploy rapidly a team of experts to situations of particular concern with respect to sexual violence in armed conflict, working through the United Nations presence on the ground and with the consent of the host government, to assist national authorities to strengthen the rule of law, and *recommends* making use of existing human resources within the United Nations system and voluntary contributions, drawing upon requisite expertise, as appropriate, in the rule of law, civilian and military judicial systems, mediation, criminal investigation, security sector reform, witness protection, fair trial standards, and public outreach; to, inter alia:

(a) Work closely with national legal and judicial officials and other personnel in the relevant governments' civilian and military justice systems to address impunity, including by the strengthening of national capacity, and drawing attention to the full range of justice mechanisms to be considered;

(b) Identify gaps in national response and encourage a holistic national approach to address sexual violence in armed conflict, including by enhancing criminal accountability, responsiveness to victims, and judicial capacity;

(c) Make recommendations to coordinate domestic and international efforts and resources to reinforce the government's ability to address sexual violence in armed conflict;

(d) Work with the United Nations Mission, Country Team, and the aforementioned Special Representative of the Secretary-General as appropriate towards the full implementation of the measures called for by resolution 1820 (2008);

9. *Encourages* States, relevant United Nations entities and civil society, as appropriate, to provide assistance in close cooperation with national authorities to build national capacity in the judicial and law enforcement systems in situations of particular concern with respect to sexual violence in armed conflict;

10. *Reiterates its intention*, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence; and *calls* upon all peacekeeping and other relevant United Nations missions and United Nations bodies, in particular the Working Group on Children and Armed Conflict, to share with relevant United Nations Security Council sanctions committees, including through relevant United Nations Security Council Sanction Committees' monitoring groups and groups of experts, all pertinent information about sexual violence;

11. *Expresses its intention* to ensure that resolutions to establish or renew peacekeeping mandates contain provisions, as appropriate, on the prevention of, and response to, sexual violence, with corresponding reporting requirements to the Council;

12. *Decides* to include specific provisions, as appropriate, for the protection of women and children from rape and other sexual violence in the mandates of United Nations peacekeeping operations, including, on a case-by-case basis, the identification of women's protection advisers (WPAs) among gender advisers and human rights protection units, and requests the Secretary-General to ensure that the need for, and the number and roles of WPAs are systematically assessed during the preparation of each United Nations peacekeeping operation;

13. *Encourages* States, with the support of the international community, to increase access to health care, psychosocial support, legal assistance and socio economic reintegration services for victims of sexual violence, in particular in rural areas;

14. *Expresses* its intention to make better usage of periodical field visits to conflict areas, through the organization of interactive meetings with the local women and women's organizations in the field about the concerns and needs of women in areas of armed conflict;

15. *Encourages* leaders at the national and local level, including traditional leaders where they exist and religious leaders, to play a more active role in sensitizing communities on sexual violence to avoid marginalization and stigmatization of victims, to assist with their social reintegration, and to combat a culture of impunity for these crimes;

16. *Urges* the Secretary General, Member States and the heads of regional organizations to take measures to increase the representation of women in mediation

processes and decision-making processes with regard to conflict resolution and peacebuilding;

17. *Urges* that issues of sexual violence be included in all United Nations-sponsored peace negotiation agendas, and *also urges* inclusion of sexual violence issues from the outset of peace processes in such situations, in particular in the areas of pre-ceasefires, humanitarian access and human rights agreements, ceasefires and ceasefire monitoring, DDR and SSR arrangements, vetting of armed and security forces, justice, reparations, and recovery/development;

18. *Reaffirms* the role of the Peacebuilding Commission in promoting inclusive gender-based approaches to reducing instability in post-conflict situations, noting the important role of women in rebuilding society, and *urges* the Peacebuilding Commission to encourage all parties in the countries on its agenda to incorporate and implement measures to reduce sexual violence in post-conflict strategies;

19. *Encourages* Member States to deploy greater numbers of female military and police personnel to United Nations peacekeeping operations, and to provide all military and police personnel with adequate training to carry out their responsibilities;

20. *Requests* the Secretary-General to ensure that technical support is provided to troop and police contributing countries, in order to include guidance for military and police personnel on addressing sexual violence in predeployment and induction training;

21. *Requests* the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping operations; and *urges* troop and police contributing countries to take appropriate preventative action, including predeployment and in-theater awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

22. *Requests* that the Secretary-General continue to direct all relevant United Nations entities to take specific measures to ensure systematic mainstreaming of gender issues within their respective institutions, including by ensuring allocation of adequate financial and human resources within all relevant offices and departments and on the ground, as well as to strengthen, within their respective mandates, their cooperation and coordination when addressing the issue of sexual violence in armed conflict;

23. *Urges* relevant Special Representatives and the Emergency Relief Coordinator of the Secretary-General, with strategic and technical support from the UN Action network, to work with Member States to develop joint Government-United Nations Comprehensive Strategies to Combat Sexual Violence, in consultation with all relevant stakeholders, and to regularly provide updates on this in their standard reporting to Headquarters;

24. *Requests* that the Secretary-General ensure more systematic reporting on incidents of trends, emerging patterns of attack, and early warning indicators of the use of sexual violence in armed conflict in all relevant reports to the Council, and *encourages* the Special Representatives of the Secretary-General, the Emergency Relief Coordinator, the High Commissioner for Human Rights, the Special

Rapporteur on Violence against Women, and the Chairperson(s) of UN Action to provide, in coordination with the aforementioned Special Representative, additional briefings and documentation on sexual violence in armed conflict to the Council;

25. *Requests* the Secretary-General to include, where appropriate, in his regular reports on individual peacekeeping operations, information on steps taken to implement measures to protect civilians, particularly women and children, against sexual violence;

26. *Requests* the Secretary-General, taking into account the proposals contained in his report as well as any other relevant elements, to devise urgently and preferably within three months, specific proposals on ways to ensure monitoring and reporting in a more effective and efficient way within the existing United Nations system on the protection of women and children from rape and other sexual violence in armed conflict and post-conflict situations, utilizing expertise from the United Nations system and the contributions of national Governments, regional organizations, non-governmental organizations in their advisory capacity and various civil society actors, in order to provide timely, objective, accurate and reliable information on gaps in United Nations entities response, for consideration in taking appropriate action;

27. *Requests* that the Secretary-General continue to submit annual reports to the Council on the implementation of Resolution 1820 (2008) and to submit his next report by September of 2010 on the implementation of this resolution and Resolution 1820 (2008) to include, inter alia:

(a) a detailed coordination and strategy plan on the timely and ethical collection of information;

(b) updates on efforts by United Nations Mission focal points on sexual violence to work closely with the Resident Coordination/Humanitarian Coordinator (RC/HC), the United Nations Country Team, and, where appropriate, the aforementioned Special Representative and/or the Team of Experts, to address sexual violence;

(c) information regarding parties to armed conflict that are credibly suspected of committing patterns of rape or other forms of sexual violence, in situations that are on the Council's agenda;

28. *Decides* to review, taking into account the process established by General Assembly resolution 63/311 regarding a United Nations composite gender entity, the mandates of the Special Representative requested in operative paragraph 4 and the Team of Experts in operative paragraph 8 within two years, and as appropriate thereafter;

29. *Decides* to remain actively seized of the matter.